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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT TACOMA

9 MICHEAL STEVEN NOVAK,

10 Plaintiff,

11 v.

12 JAMES THATCHER, *et al.*,

13 Defendants.

No. C08-5711BHS

ORDER

14 This 42 U.S.C. § 1983 Civil Rights action has been referred to the undersigned  
15 Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636(b)(1)(B) and Local  
16 Magistrate Judges' Rules MJR 1, MJR 3, and MJR 4. Before the Court is plaintiff's motion  
17 asking that the Court consolidate this action with Thomas Hargrove v. Kenneth Quinn *et al.*, 09-  
18 CV-0390RSM/BAT (Dkt. # 38). Defendants oppose the motion (Dkt. # 42).  
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20 The time allotted for discovery and the dispositive motion cutoff date are over. A  
21 dispositive motion is pending (Dkt # 40). It is too late to consolidate these cases. Defendants are  
22 correct in opposing the motion to join these cases as untimely. The motion is DENIED.

23 Dated this 4<sup>th</sup> day of August , 2009.

24  
25 /s/ J. Richard Creatura

26 J. Richard Creatura

United States Magistrate Judge